

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

A.G. DESIGN & ASSOCIATES, LLC, a Washington Limited Liability Company,

Plaintiffs,

V.

TRAINMAN LANTERN COMPANY, INC.,
a Washington Corporation d/b/a AMERICAN
LANTERN COMPANY, INC.; AMERICAN
LANTERN, INC., a Foreign Corporation;
MARCUS MUKAI, individually and as a
marital community with JANE DOE MUKAI;
G. SCOTT MUKAI; AND JOHN DOE
DEFENDANTS 1 THROUGH 10,

Defendants.

Case No. 07-05158 RBL

ORDER DENYING WITHOUT
PREJUDICE PLAINTIFF'S MOTION
FOR ATTORNEYS' FEES AND COSTS

THIS MATTER is before the Court upon Plaintiff's Motion for Attorneys' Fees and Costs. [Dkt. # 164]. For the reasons stated below, Plaintiff's Motion for Attorneys' Fees and Costs is DENIED WITHOUT PREJUDICE.

1. DISCUSSION

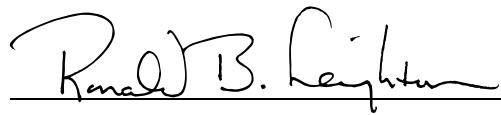
Plaintiff A.G. Design & Associates request attorneys' fees and costs under the April 1, 2003 Agreement. The agreement states that “[i]f any suit or other proceeding is instituted by either party pertaining to [the] Agreement or the performance [thereunder], the prevailing party, in addition to other relief as might be awarded, shall be entitled to costs, expenses and reasonable attorney's fees.” [Dkt. # 6, Exhibit B]. Plaintiff argues that because the Court ruled as a matter of law that Defendant Marcus Mukai breached the covenant not to compete contained in the April 1 Agreement, the Court should award attorneys' fees and costs incurred

1 in order to prevail on summary judgment.

2 The Court will entertain requests for attorneys' fees and costs under the Agreement and upon any
3 other basis at the conclusion of this case. The Plaintiff's Motion for Attorneys' Fees and Costs at this stage
4 is therefore DENIED WITHOUT PREJUDICE.

5 IT IS SO ORDERED.

6 Dated this 14th day of October, 2008.

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11 RONALD B. LEIGHTON
12 UNITED STATES DISTRICT JUDGE
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